

REMARKS

Claims 1-11 are all the claims pending in the application. Claims 1-10 have been examined and rejected. Claim 11 is added by this Amendment.

INFORMATION DISCLOSURE STATEMENTS

While the Applicant thanks the Examiner for returning initialed copies of three Information Disclosure Statements ("IDS") with the present Office Action, the Examiner has not returned the IDS filed on December 3, 2001. Applicant requests the Examiner to return a copy of this IDS with the next Office Action.

35 U.S.C. § 103 REJECTIONS

A. Claims 1 and 3-6

Claims 1 and 3-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,337,061 to Pye et al. ("Pye") in view of U.S. Patent No. 6,005,525 to Kivela ("Kivela"). For at least the following reasons, Applicant respectfully traverses this rejection.

Pye relates to a cordless telephone handset 1 that includes a flap which is pivotably connected to a main section of handset 1. Abstract; FIG. 1. An antenna is disposed in the main section of the handset 1 and in the flap. Abstract; FIGS. 3-6. However, as the Examiner acknowledges, Pye fails to teach or suggest a handset wherein a surface of each of the two antennas having the greatest directivity is directed outward when the handset is *closed*. Office Action at p. 3. Indeed, Pye fails to recognize the problem of transmission quality when a cellular phone is in the closed position.

To cure this deficiency in Pye, the Examiner relies on the Kivela reference to teach a handset wherein surfaces of two antennas having the greatest directivity are each directed

outward when the handset is closed. Office Action at p. 3. In support of this assertion, the Examiner relies on column 9, lines 25-52 and Figure 11 of the Kivela reference.

Kivela teaches placing one antenna in a flap of a handset such that the direction pattern 112 of the antenna is directed away from the head, thereby minimizing the effects of the hand and the head. Col. 9, lines 28-32; FIGS. 11-12. Like Pye, Kivela contains no teaching related to the directivity of an antenna in the closed position and fails to recognize the need for improved transmission quality in the closed state.

Claim 1 recites a cellular phone that is in the closed position. Because of the Applicant's arrangement, embodiments of a cellular phone consistent with the present invention have preferred transmission quality while in the waiting state, i.e., when the phone is closed. *See, e.g., Spec. at p. 8, lines 7-8.* Kivela and Pye neither recognize the problem of the transmission quality when a cellular phone is in the closed position nor do they teach or suggest the location of antennas when a cellular phone is closed. Accordingly, Kivela and Pye, even if combined, fail to teach or suggest each element of claim 1. Further, as Kivela and Pye each fail to recognize the problem of the transmission quality in a waiting or closed state, one of ordinary skill in the art would not have been motivated to combine Pye with Kivela as suggested by the Examiner.

For at least this reason, Applicant submits that the cited art fail to teach each element of the rejected claims. Accordingly, Applicant respectfully requests the Examiner to withdrawal this rejection.

B. Claims 2 and 7-10

Claims 2 and 7-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pye in view of Kivela in further view of U.S. Patent No. 5,905,467 to Narayanaswamy

("Narayanaswamy"). However, as claims 2 and 7-10 depend, either directly or indirectly, from claim 1, and as Narayanaswamy fails to cure the deficiencies of Pye and Kivela discussed above, Applicant submits that claims 2 and 7-10 are patentable over the cited art at least based on their respective dependencies.

NEW CLAIM

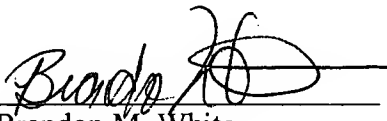
Claim 11 has been added by this Amendment.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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